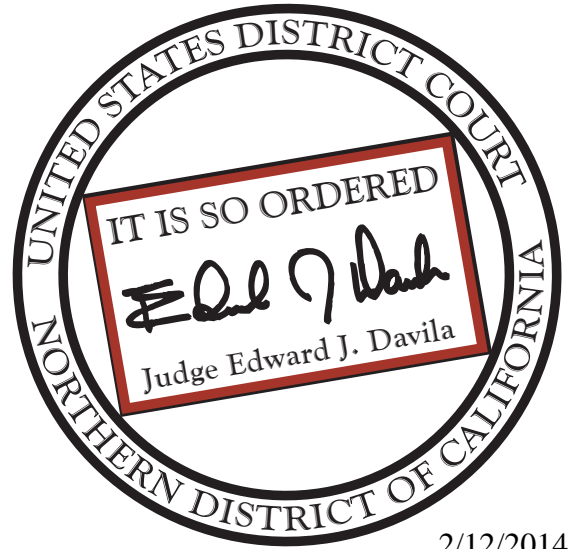


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7 SURGERY CENTER, LLC, LOS ALTOS
SURGERY CENTER, LP, FOREST
8 SURGERY CENTER, LP and SOAR
SURGERY CENTER, LLC



2/12/2014

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

13 BAY AREA SURGICAL GROUP, INC.;
KNOWLES SURGERY CENTER, LLC;
14 NATIONAL AMBULATORY SURGERY
CENTER, LLC; LOS ALTOS SURGERY
15 CENTER, LP; FOREST AMBULATORY
SURGICAL ASSOCIATES, LP; SOAR
16 SURGERY CENTER, LLC,

17 Plaintiffs,

18 vs.

19 AETNA LIFE INSURANCE COMPANY, *et*
al.,

20 Defendants.
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27
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CASE NO. 13-CV-05430 EJD

**NOTICE OF VOLUNTARY DISMISSAL
OF DEFENDANT VMWARE, INC.
FLEXIBLE SPENDING ACCOUNT PLAN**

Trial Date: None Set

13-CV-05430 EJD

**NOTICE OF VOLUNTARY DISMISSAL OF
DEFENDANT VMWARE, INC. FLEXIBLE SPENDING ACCOUNT PLAN**

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PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs BAY AREA SURGICAL GROUP, INC.; KNOWLES SURGERY CENTER, LLC; NATIONAL AMBULATORY SURGERY CENTER, LLC; LOS ALTOS SURGERY CENTER, LP; FOREST AMBULATORY SURGICAL ASSOCIATES, LP; and SOAR SURGERY CENTER, LLC, by and through its counsel, voluntarily dismisses without prejudice all causes of action against Defendant VMWARE, INC. FLEXIBLE SPENDING ACCOUNT PLAN in the above-captioned action. This dismissal relates ONLY to VMWARE, INC. FLEXIBLE SPENDING ACCOUNT PLAN.

DATED: February 7, 2014

HOOVER, LUNDY & BOOKMAN, P.C.

By: /s/ Katherine M. Dru

KATHERINE M. DRU

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